HON'BLE SHRI G.S.SINGHVI, THE CHIEF JUSTICE
AND
HON'BLE SHRI JUSTICE G.V.SEETHAPATHY

WRIT PETITION NO.13974 OF 2006

Between:
Sakhamuri Peraiah

..... Petitioner

AND

A.P. State Election Commission,
Rep. by its Commissioner, Secunderabad,
& others.

.....Respondents

:: O R D E R::

Counsel for the Petitioner : Shri M. Venkata Narayana

Counsel for Respondent No. 1 : Shri V.V. Prabhakar Rao

Counsel for Respondent Nos.2 to 4: Government Pleader for Panchayat Raj

Dated: 27.07.2006

Per G.S.Singhvi, CJ

On 25.07.2006, a batch of 58 cases, including this petition, was listed before the Court. At the commencement of hearing, Shri V.V.Prabhakar Rao, Advocate representing Andhra Pradesh State Election Commission made a statement that the common prayer made in all the petitions is for issue of a direction to the respondents to decide the applications made by the petitioners for inclusion of their names in the voters' list and that the concerned authorities will deal with and decide such applications within a period of 48 hours, which shall be communicated to the applicants.

In view of the statement of Shri V.V.Prabhakar Rao, all the petitions were disposed of by a common order, which was dictated in the open Court.

In the evening, the Court Master informed us that out of the batch of 58 petitions, 13 petitions contain different prayers. He pointed out that in some of the petitions prayers have been made for inclusion in and exclusion from the voters' list, in some cases prayer has been made for issue of direction to the authority concerned to accept nomination paper and in one case, prayer is to quash the reservation of the office of Sarpanch.

In view of the submissions made by the Court Master, we directed that the 13 petitions shall not be included in the order passed in the open Court on 25.07.2006 and they be listed on 27.07.2006 under the caption 'for being mentioned'. This is the reason why the 13 matters have been listed today.

In this petition, the petitioner has made the following

substantive prayers:

> " declaring the action of the respondents in not considering and disposing of the applications submitted in Form-6 and Form-7 for inclusion and deletion of voters from the electoral roll of Inumalla Gram Panchayat, Epur Mandal, Guntur District is illegal, unjust, arbitrary and in violation of Articles 14,19 and 243K of Constitution of India and Sections 22 and 23 of Representation of People Act 1950 read with Section 11 of A.P. Panchayat Raj Act, 1994 and Principles of natural justice and consequently direct the respondents to correct the above said electoral roll duly taking into consideration the above said objections and the representations submitted even to the 1st respondent before holding elections to Inumalla Gram Panchayat, Epur Mandal, Guntur District.
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> declaring the action of the 1st respondent and his subordinates in proposing to notify elections to Inumalla Gram Panchayat, Epur Mandal, Guntur District without correcting the electoral list of said Panchayat as illegal, arbitrary, unjust and consequently direct the 1st respondent not to notify the elections for Inumalla Gram Panchayat, Epur Mandal, Guntur District and pass such other orders and further reliefs as this Hon'ble Court deems fit and proper in the interest of justice."

We have heard learned counsel for the parties and perused the record. In our opinion, the writ petition is liable to be dismissed insofar as the petitioner's prayer for exclusion of names of 60 persons from the voters' list of Village Inumalla is concerned because none of the persons whose names are sought to be deleted from the electoral roll has been impleaded as party to the writ petition and without issuing notice and giving opportunity of hearing to such persons, no order prejudicially affecting their right

to participate in the process of election can be passed.

The petitioner's prayer for inclusion of names of unknown number of persons in the electoral roll of Village Inumalla is also liable to be rejected because the petitioner does not have the locus to espouse the cause of those persons. Each person whose name is said to have been arbitrarily excluded from the electoral roll of Inumalla Village has the right to seek intervention of the Court and make a prayer for issue of a direction to include his/her name in the voters' list. It is neither the pleaded case of the petitioner nor any material has been placed on the record of the writ petition to show that the persons whose names are sought to be included in the voters' list are, on account of illiteracy, ignorance, poverty or physical unfitness, handicapped from approaching the Court for vindication of their rights. Therefore, the petitioner, who does not have any grievance in the matter of inclusion of his name in the voters' list, cannot be permitted to represent the cause of other unknown persons.

With the above observations, the writ petition is dismissed.

G.S.SINGHVI, CJ

G.V.SEETHAPATHY, J

27.07.2006
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